

**(1) Petition for Termination of Proceedings and (2) Discharge of Executor for want of Assets Subject to Administration (Probate Code §12251)**

<b>DOD: 3-29-94</b>		<p><b>STEFAN SCHERR</b>, Son and Executor with Full IAEA without bond, is Petitioner. (Petition filed 4-8-14.)</p> <p><b>Petitioner states</b> the real property which constituted the sole asset of the estate was sold for \$220,000.00 payable by cash down payment of \$30,000.00 and the balance of \$190,000.00 payable by promissory note in favor of the estate. A default occurred in the payments on said note and extensive and expensive litigation ensued concerning the sale. Ultimately, the case was dismissed against the estate and the title to the real property reverted to the estate.</p> <p>However, the City of Fresno has declared that the improvements on the property constituted a hazard and such improvements were torn down by the City. The City asserted a lien against the property for the demolition and cleanup. The City's liens are also enforced by the County of Fresno, which also has its own liens and penalties for back taxes. The total of all liens by the city and county is approx. \$50,000.00. The County has tried to sell the property but has been unable to obtain any bids because the property is worthless.</p> <p>Therefore, there are no assets of this estate. After payment of the costs of litigation, there is no cash remaining in the estate and therefore there are no longer any assets subject to administration.</p> <p><b>Petitioner requests orders that administration be immediately terminated for want of assets, and that Petitioner be discharged as Executor.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note re History:</b> Executor Stefan Scherr had been represented by Attorney Gerald L. Tahajian since this estate was established in 2005.</p> <p>Attorney Tahajian prepared this petition which was set for 5-19-14.</p> <p>On 5-15-14, an <u>undated</u> Substitution of Attorney indicated that Mr. Scherr was no longer represented by Mr. Tahajian and would proceed in pro per.</p> <p>At the hearing on 5-19-14, Attorney Gerald Tomassian appeared and informed the Court that the Executor had passed away (no date provided).</p> <p>The Court on its own motion appointed the Public Administrator.</p> <p><b>Status Report filed 7-10-14 by Public Administrator states</b> Senior Probate Assistant Susan Banuelos is working with the Fresno County Tax Collector to see if they would be willing to accept less on one of the liens. If not, the Public Administrator will not be able to get enough for the property to cover the liens. Public Administrator requests an additional six months to allow response.</p> <p><b>See Page 2 for additional notes and issues with this petition.</b></p> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 1-13-15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1 - Scherr</b></p>
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N/A	<b>FTB Notice</b>		

Page 2

Additional Notes:

- Corrected I&A filed 9-8-06 indicates real property located at 2038 E. California valued at \$125,000.00.
- The decedent's will devises his tangible personal property to his wife, and devises the residue to his six (6) grandchildren: Debra, Sandra, Howard, Alisa, Jeremy, and Kevin, who is now deceased (DOD: 10-8-00).
- On 7-11-05, Petitioner filed Assignments signed by Debra, Sandra, Howard, and Alisa, assigning their interest in the estate to Petitioner Stefan Scherr, now deceased.
- Therefore, it appears the heirs to this estate are the estate of Petitioner Stefan Scherr, Jeremy Scherr, and the estate of Kevin Scherr.

NEEDS/PROBLEMS/COMMENTS:

1. Petitioner states the property is worthless and cannot be sold; therefore, there are no assets. However, need clarification as to title, etc. If the real property still exists as an asset of the estate, how can the estate be closed and the Executor discharged, regardless of the Executor's inability to dispose of it?
2. The Court may require clarification as to the transactions and litigation during administration.
3. The Court may require accounting pursuant to Probate Code §10950.
4. The Estate of Kevin Scherr is technically an heir of this estate; however, notice was not given to any personal representative thereof. The Court may require clarification or notice.

Pro Per Gallegos-Bates, Mary (Pro Per Petitioner, Administrator)

## (1) First and Final Account and (2) Petition for Final Distribution

<b>DOD: 4/15/2005</b>		<p><b>MARY GALLEGOS-BATES</b>, sister and Administrator appointed <u>without IAEA Authority</u> and without bond on 8/2/2005, is Petitioner. Letters issued on <u>8/11/2005</u>.</p> <p><b>Account period: Not stated</b></p> <p>Accounting - <b>Not stated</b>  Beginning POH - <b>\$200,000.00</b>  Ending POH - <b>\$0.00</b></p> <p>Administrator - <b>Not requested</b></p> <p>Attorney - <b>\$7,000.00 (paid)</b>  <i>(statutory; paid to Attorney Patricia Carrillo on 4/27/2007 without Court authorization;)</i></p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>The sole asset of the estate, the Decedent's residence, was distributed to the beneficiaries of the estate, the Decedent's mother and father, <b>VIRGINIA GALLEGOS [DOD 2010]</b> and <b>THEODORE GALLEGOS [DOD 2009]</b>;</li> <li>The Decedent's parents purchased the residence in 2000 and the Decedent and his brother, <b>ROBERT B. GALLEGOS</b>, lived with them;</li> <li>The Decedent's name was on the title as joint tenant with his parents;</li> <li>The Decedent took out 2 subprime loans on the property, and in order to do so, he had to take his parents' names off the property and put the property in his name; when one subprime loan would become due, he would take out another one, and so on;</li> </ul> <p><b>~Please see additional page~</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 10/21/2014.</b> Minute Order states the Court notes that the issues that need to be addressed are those listed in the 10/21/2014 examiner notes [included on these 1/20/15 notes], which includes the fees paid to counsel. The Court on its own motion relieves Mary Gallegos-Bates as the administrator and appoints the <b>PUBLIC ADMINISTRATOR</b> as the personal representative.</p> <p><b>Note:</b> Declaration of Mary Gallegos-Bates Regarding Attorney's Fees filed 10/16/2014 states:</p> <ul style="list-style-type: none"> <li>To the best of her recollection, in 2006 she paid attorney Patricia Carrillo the sum of <b>~\$800.00</b> to cover Court costs that she advanced;</li> <li>In addition to paying Ms. Carrillo for the Court costs, Ms. Carrillo told her and her now deceased parents that they would have to get a loan to cover her <b>~\$7,000.00</b> in attorney's fees for handling the probate;</li> <li>Attorney Carrillo arranged for a loan and was paid the sum of <b>\$7,090.00</b> from the escrow (copy of the escrow statement attached.)</li> </ul> <p><b>~Please see additional page~</b></p>
<b>Cont. from 081114 082614, 102114</b>			
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<b>Reviewed by:</b> LEG
<b>Reviewed on:</b> 1/14/15
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 2 – Gallegos</b>

**Petitioner states, continued:**

- The subprime loan payments increased, and Decedent and his parents and brother, Robert, attempted to make the payments but it became very difficult for them to do so;
- After Decedent's death in 2005, the payments fell behind and the only way to save the house was to get a refinance modification and reduce the monthly payment amount; the estate beneficiaries, Decedent's parents (Virginia and Theodor Gallegos) continued to live in the residence;
- It was also necessary to refinance the property in order to pay the creditor's claims filed in the estate and to pay Petitioner's attorney at the time, **PATRICIA CARRILLO**, her statutory fees; there was no other cash to do so;
- Decedent's parents were the two beneficiaries of his estate, but they did not qualify for the loan because they were both living on Social Security benefits only;
- Attorney Carrillo would not continue handling the estate unless we deposited **\$7,000.00** for attorney's fees in her trust account; she wanted to get paid and said she would introduce us to someone who could help get a loan despite the low income;
- Attorney Carrillo sent us to a man named **PAUL WILLINGHAM**, who said he could get their brother, Robert, qualified for a loan even though his sole source of income was Social Security Disability, but in order to refinance the loan, he had to be on title to the home;
- In 2007, at the close of escrow, the residence was deeded to Robert Gallegos, Decedent's brother (*copy of escrow statement attached as Exhibit A*);
- As can be seen from the escrow statement, the creditor's claims were paid from the escrow, and the attorney's fees were paid out of the escrow;
- The balance of the funds in the approximate amount of **\$13,000.00** was given to Robert Gallegos [*escrow statement shows \$13,629.12 was the borrower's refund*];
- Petitioner and Robert were under the impression that because the estate had been distributed, that it was now closed;
- The estate had been distributed to the Decedent's mother and father (Virginia and Theodor Gallegos) because after the close of escrow, Robert added his them back on title to the home as joint tenants as his parents requested;
- Decedent's parents Virginia and Theodor Gallegos wanted Robert on the title as a joint tenant in case something happened to them because Robert is disabled and they wanted to make sure he would always have a place to live;
- Robert gave the **\$13,000.00** "overage" from the escrow to his parents Virginia and Theodor Gallegos who paid off their bills;
- It was not until December 2013 that the petitioner learned that the probate had never been closed and the Court set a status hearing to complete the probate;
- Title to the Decedent's property is now held in the name of Robert Gallegos, Virginia and Theodor Gallegos, as joint tenants (*copy of Deed attached as Exhibit B*).

**Distribution pursuant to intestate succession (§ 6402(b)) is to:** Virginia Gallegos and Theodor Gallegos (Decedent's parents) as to the entire interest in Decedent's real property.

***~Please see additional page~***

**NEEDS/PROBLEMS/COMMENTS, continued:**

**Continued from 10/21/2014.** The following issues from the last hearing remain:

**Note:** Petitioner was granted **no** independent authority to administer the estate, hence court supervision has been required to administer this estate pursuant to Probate Code § 10401, such that judicial order, authorization, approval, confirmation or instructions are required for many actions during administration, including most importantly the final distribution of property pursuant to Probate Code § 10501(a)(4), which the *Petition* states has already been done. Based upon Court records, it appears court supervision has never been sought by Attorney Patricia Carrillo for the Administrator for any actions taken during this estate administration in violation of Probate Code §§ 9610 et seq., and §§ 9650 et seq., which require court supervision of specific administrative transactions and actions taken where no IAEA authority has been granted.

1. Attorney Patricia Carrillo arranged for a loan and was paid without Court authorization the sum of **\$7,090.00** from the escrow related to the loan the Administrator was made to take out on the real property for payment of her attorney fees and payment of **\$8,829.28** in creditors' claims.
2. *Order on Court Fee Waiver* filed 7/7/2014 grants Petitioner's fee waiver. Filing fees are considered costs of administration and must be paid prior to distribution of assets and property from an estate. The estate property has been distributed by Petitioner; therefore a **\$435.00** filing fee to the Court is due from Petitioner prior to issue and processing of a final order for closing this estate.
3. Need *Notice of Hearing of the First and Final Account and Petition for Final Distribution*, and proof of mailed service of 15 days' notice prior to hearing pursuant to Probate Code §§ 1220, 11000 and 11601 for the following person:
  - **ROBERT B. GALLEGOS**, brother.
4. *Final Inventory and Appraisal* filed on 9/28/2005 is incomplete at Item 5 re: property tax certificate, as required by Probate Code § 8800(d). Need statement regarding Property Tax Certificate. (Revenue and Tax Code § 480.)

**Note Re Creditors' Claims:** Paragraph 9 of the *Petition* states: "All creditor's claims have been paid, and Withdrawals of Creditor's Claims have been filed with the Court." Court records show no withdrawals of creditors' claims have been filed with the Court. However, Exhibit A containing a copy of the Chicago Title escrow statement from the loan funds obtained against the estate real property appears to demonstrate payment of the following creditors' claims filed in this proceeding:

- **\$2,444.54** filed by **CAPITAL ONE** on 9/27/2005;
- **\$5,165.74** filed by **HOUSEHOLD FINANCE CORP.** on 9/6/2005;
- **\$1,219.00** filed by **CITIBANK USA** on 8/9/2005.

***~Please see additional page~***

NEEDS/PROBLEMS/COMMENTS, continued:

**Note Re Administration and Distribution of the Estate Property:** Paragraph 10 of the *Petition* states Petitioner took the following action without court supervision: "The sole asset of the estate, the Decedent's residence, was distributed to the beneficiaries of the estate, the Decedent's mother and father, **VIRGINIA GALLEGOS [DOD 2010]** and **THEODORE GALLEGOS [DOD 2009]**." Probate Code § 10501 lists the actions that must be brought before the Court even when the personal representative has been granted full IAEA authority, or limited IAEA authority, some of which are as follows:

- 10501(a)(2) – Allowance of compensation to the attorney for the personal representative [*please refer to **Note Re Payment of Attorney Fees**, below*];
- 10501(a)(3) – Settlement of accounts [*pending*];
- 10501(a)(4) – Final distributions and discharge [*pending*];
- 10501(b)(4) – Borrowing money with the loan secured by an encumbrance upon real property.

In violation of the Probate Code provisions, the Petitioner has proceeded without any IAEA authority and without court supervision regarding each of the above-noted actions. However, in light of the complicated background of this matter, it appears the Court may take into account the totality of circumstances of this case, including Petitioner's previous representation by Attorney Carrillo, when making a determination regarding the acceptability of the Petitioner's *First and Final Account and Petition for Final Distribution*.

**Note Re Payment of Attorney Fees:** Based on the pleadings, Attorney Patricia Carrillo has been **paid a minimum of \$7,690.00 in fees and costs** from the estate and/or the Petitioner. The following case history and information is provided for the Court's reference regarding this payment of attorney fees:

- **Letters issued to the Petitioner for this estate on 8/11/2005**, while she was represented by Attorney Carrillo. The complete lack of the Petitioner's IAEA authority, which IAEA authority is typically requested and granted as standard practice in probate proceedings before this Court, was the result of the initiation of these proceedings by Attorney Carrillo. Petitioner in her proceeding as a self-represented party likely was unaware of the lack of her authority as Administrator. The lack of communication between Petitioner and Attorney Carrillo was a burden upon Attorney Carrillo to timely rectify.
- **Status Report filed 2/14/2014 by Attorney Carrillo**, which was filed in response to the Court setting a status hearing on **2/21/2014** for failure to file a first account or petition for final distribution is quoted as follows:  
"The statutory attorney fees have been paid on or about 4/27/2011 [sic]. A *First and Final Account and Petition for Final Distribution* (the '*Final Petition for Distribution*') has not been filed in this case. All associated costs or expenses incurred in the administration of the estate have been paid or reimbursed to the attorney for the Administrator, Patricia S. Carrillo (the '*Attorney*')."
- **Order Granting Attorney's Motion to be Relieved as Counsel filed 4/2/2014** granted Attorney Carrillo's request to withdraw from representation of the Petitioner. **Minute Order dated 4/2/2014 states:** Ms. Carrillo is directed to provide Ms. Gallegos-Bates any documents she has. Matter continued to 5/7/2014 for Ms. Gallegos-Bates to hire new counsel.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

- **Copy of Chicago Title escrow statement dated 4/27/2007**, following Attorney Carrillo's release as attorney of record, shows that the following payments pertinent to the estate administration and closing were made from the loan funds obtained against the estate real property:
  - Broker compensation and Origination fee of **\$1,952.00** to **PAUL D. WILLINGHAM DBA iFINANCIAL**;
  - Broker processing to **iFINANCIAL REAL ESTATE** of **\$475.00**;
  - **HOUSEHOLD FINANCE CORP.** for pay in escrow of **\$5,165.74** *[valid creditor's claim]*;
  - **CITIBANK USA** for pay in escrow of **\$1,219.00** *[valid creditor's claim]*;
  - **CAPITAL ONE** for pay in escrow of **\$2,444.54** *[valid creditor's claim]*;
  - **LAW OFFICES OF PATRICIA S. CARRILLO** for legal fees due of **\$7,090.00**.

The following provisions appear to provide support for the attorney fees received by Attorney Patricia Carrillo being reduced and returned to the estate:

- **Probate Code §§ 10830, 10831, and 10501(a)(2)** require the allowance of compensation to the attorney only by court order authorizing such payment. Compensation must be allowed by the Court before it is taken.
- **Probate Code § 12205** allows the Court to reduce the compensation of the attorney if responsible for an unreasonable delay in closing the estate. The time taken for administration of the estate was within the control of the attorney whose compensation would be reduced in that the estate was allowed to linger by the attorney during the communication breakdown between attorney and personal representative.
- **California Rule of Court 7.700 provides: (a) No compensation in advance of court order.** The personal representative must neither pay nor receive, and the attorney for the personal representative must not receive, statutory commissions or fees or fees for extraordinary services in advance of an order of the court authorizing their payment. **(b) Surcharge for payment or receipt of advance compensation.** In addition to removing the personal representative and imposing any other sanctions authorized by law against the personal representative or the attorney for the personal representative, the court may surcharge the personal representative for payment or receipt of statutory commissions or fees or fees for extraordinary services in advance of an order of the court authorizing their payment. The surcharge may include interest at the legal rate from the date of payment.
- **In re Estate of Wong, 207 Cal. App.4<sup>th</sup> 366, 2012:** "...Attorney compensation for services rendered to the personal representative of a probate estate is not paid by the client, but out of the estate itself."

(1) Petition for Final Distribution and (2) for Final Accounting, and (3) for Allowance of Statutory Attorney's Compensation and (4) for Extraordinary Attorney's Compensation, and (5) to Surcharge Personal Representative, and (6) for Liability on Probate Bond

<b>DOD: 7/27/2005</b>		<b>THOMAS ALEXANDER, JR.</b> , attorney for Jeffrey Martin, Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>JEFFREY MARTIN</b> was appointed Administrator on 5/23/06 with full IAEA authority and bond set at \$252,100.00. Bond was filed on 8/31/06 and Letters issued.	<ol style="list-style-type: none"> <li>Need proof of service of the Notice of Hearing along with a copy of the petition on: <ol style="list-style-type: none"> <li>Steven Diebert – pursuant to his Request for Special Notice.</li> <li>American Contractors Indemnity Company (bond) – pursuant to their Request for Special Notice.</li> </ol> </li> <li>Petition is signed and verified by the attorney using a cursive computer font. Need original signature.</li> <li>Petition states that it is the attorney's belief that fees remain due to probate referee Steven Diebert. However the petition does not indicate the balance of the fees due nor does it request payment of said fees.</li> </ol> <p><b>Please see additional page.</b></p>
<b>Cont. from 102914</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	I & A, part. 1, filed on 2/5/07 with a value of \$300,000.00.	
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>	Creditor's Claims filed:	
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	<ul style="list-style-type: none"> <li>Cancer Care Associates - \$1,105.65</li> </ul>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Attorney fees - \$9,000.00 Attorney x/o - \$1,500.00 (for the filing of this petition) Costs - \$435.00 (filing fee)	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	<b>Petitioning attorney states</b> that it is his belief that the Administrator borrowed a sum of money (probably in excess of \$15,000) for the purpose of satisfying obligations and expenses of the estate. It is petitioner's belief that the loan was secured by the estate's real property. The intention of the Administrator that he would (1) distribute a portion of the loan to satisfy an assignment of interest of his sister and co-heir of the estate< Melanie McClay, (2) make necessary repairs to the estate real property, and (3) assume the loan, in his individual capacity, after the close of the probate proceedings. Petitioner states he is unaware (1) whether any distribution of the loan proceeds was made, (2) whether any payment to Melanie McCray or any repairs were made, or (3) whether any payments on the loan were made.	
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Petitioning attorney states he is unaware whether any proceeds remain available for distribution. Petitioner is also unaware of the existence of any executed assignment of interest by Melanie McCray.

Petitioner request surcharge of the Personal Representative (1) to the extent of any breach of fiduciary duty or to the extent that estate funds have, through negligence or otherwise, become unavailable to the estate, (2) to the extent of any loss of her estate shares of the estate property by Melanie McCray, (3) of any monies that are due to the Probate Referee or any creditors of the estate, and (4) to the extent of any statutory compensation that are due this petitioning attorney, and for extraordinary services rendered in preparing this petition.

**Wherefore Petitioning Attorney prays:**

1. That the administration be brought to a close;
2. That this Final Account and Petition for Final Distribution and for Statutory and Extraordinary Attorney Fees and for Surcharge on the Personal Representative's Bond be approved as filed;
3. That the acts and proceedings of Petitioner as Administrator be confirmed and approved;
4. That this Petitioning attorney, be authorized and directed to pay himself \$9,000 in statutory and \$1,500 as extraordinary fees and \$435.00 for reimbursement of costs;
5. That the Administrator be surcharged in an amount calculated to pay the statutory and extraordinary fees and reimbursement of costs in the sum of \$10,935, and that Cancer Care Associated in the amount of \$1,105.65, and that distribution of on half of the remaining trust estate be paid to Melanie McCray to make her whole as the Administrator's co-heir. That any remaining estate property after proper payments of costs of administration and the ½ interest of his co-heir be paid to Jeffrey McCray, Administrator.

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**NEEDS/PROBLEMS/COMMENTS (Cont.):**

4. Petition does not contain a statement regarding Probate Code §216 and 9202(b) re: notice to the Director of Victims Compensation and Government Claims Board
5. Petition alleged Jeffrey Martin absconded with the estate. However the petition does not indicate what efforts were made to locate Jeffrey Martin.

**NEEDS/PROBLEMS/COMMENTS (Cont.):**

6. Attorney Thomas Alexander is requesting extra ordinary fees for the filing of this petition. The request for extraordinary fees does not comply with California Rules of Court, Rule 7.702. In addition,

Probate Code § 12205 indicates the court may reduce the compensation of the personal representative or attorney for the personal representative by an amount the court determines appropriate if the court makes all of the following determinations:

- 1) The time taken for administration of the estate exceeds the time required by this chapter or prescribed by the court.
- 2) The time taken was within the control of the personal representative or attorney whose compensation is being reduced.
- 3) The delay was not in the best interest of the estate or interested persons.

Probate Code § 12200 states the personal representative shall either petition for an order for final distribution of the estate or make a report of the status of administration not later than the following times:

- a) In an estate for which a federal estate tax return is not required, within one year after the date of issuance of letters.

In this matter there was no activity by the attorney or the personal representative from 2/5/07 until the matter was set for a status hearing by court staff on 3/7/14. The attorney and the personal representative did not appear at the status hearing on 3/7/14. An Order to Show Cause was issued and the matter continued to 5/2/14. On 5/2/14 the attorney and the personal representative again did not appear. The court imposed sanctions on the attorney for \$500 and continued the matter to 5/23/14. On 5/23/14 the attorney appeared (but did not file a written status report as required by Local Rule 7.5C). The attorney made representations to the court and the court rescinded the previously issued sanctions. The status hearing was continued to 8/7/14. On 8/7/14 the attorney appeared (but again did not file a written status report as required by Local Rule 7.5C) and the status hearing was continued to 9/25/14. On 9/10/14 this Petition was filed. There is no explanation as to why the estate was delayed for over 7 years.

7. Need Order.

## Status Hearing

<b>DOD: 10/01/2009</b>		<b>CANDY ATKINS</b> , former spouse, was appointed Administrator with Will annexed with full IAEA authority without bond on 03/25/2010.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Letters issued on 03/25/2010.	1. Need First Account or Petition for Final Distribution.
<b>Cont. from 072613, 071814</b>		Inventory and Appraisal was filed on 09/08/2011 showing an estate valued at \$209,700.00 consisting of real property.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<p><b>Former Fifth Status Report of Personal Representative filed on 07/17/2014</b> states the estate is not in a condition to be closed. The estate has no liquid assets to pay the administration expenses or the creditor's claims. Petitioner has listed for sale the decedent's unimproved real property in Madera County, California. The real property consists of two parcels- a 20 acre parcel and a 60 acre parcel. The real property is raw land and has no access to water and utilities.</p> <p>Since the last status hearing, Petitioner has reduced the asking price on the real property from \$249,000 to \$185,000. Since lowering the sale price, Petitioner and her real estate agent have shown the property to approximately five potential buyers, but have not received an offer to purchase the property. Petitioner intends to keep listing the property for sale. Petitioner has three real estate agents marketing the real property. She has been told by these agents that among properties similar to the decedent's property, there have been few sales. The property is currently being marketed in the multiple listings, on the London Property's website and <a href="http://www.realtor.com">www.realtor.com</a> website.</p> <p>Petitioner requests the Court to order that:</p> <ul style="list-style-type: none"> <li>• The administration of the estate be allowed to continue for one year; and</li> <li>• Such further order be made as the Court considers proper.</li> </ul>	
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>	<p>Please see additional page</p> <p><b>Reviewed by: LV</b></p> <p><b>Reviewed on: 01/13/2015</b></p> <p><b>Updates: 01/16/2015</b></p> <p><b>Recommendation:</b></p> <p><b>File 4 – Atkins</b></p>	
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

**Sixth Status Report of Personal Representative filed 01/16/2015** states the estate is not in a condition to be closed. The estate has no liquid assets to pay the administration expenses or the creditors' claims. Petitioner has listed for sale the decedent's unimproved real property in Madera County, California. The real property consists of two parcels – a 20 acre parcel and a 60 acre parcel. The real property is raw land and has no access to water and utilities. There is a rough dirt road that provides access to the property. Since the last status hearing, Petitioner is in the process of changing real estate agents. Petitioner is engaging the services of Brett Cox, an agent with Keller Williams Real Estate. Brett Cox informed Sally Ladd, probate paralegal with Baker Manock & Jensen, PC, that Keller Williams Real Estate is one of the largest real estate companies in the United States. As listing agent, Mr. Cox intends to list the property on many of their websites across the country to gain as much exposure to the property as possible. Mr. Cox also has several clients who may be interested in the property, and he will be contacting them as well as farmers in the area who may need additional grazing land for cattle. Keller Williams Real Estate strives to sell their properties within ninety (90) days of listing the property. He, therefore, intends to aggressively market the property.

Wherefore, the petitioner requests this Court to Order that:

1. The administration of the estate be allowed to continue for one year, and
2. Such further order be made as the Court considers proper.

**(1) First and Final Report of Administration, (2) Petition for Mileage Reimbursement to Administrator, (3) For Statutory and Extraordinary Commissions and Fees to Administrator & Attorney, and for (4) Final Distribution on Waivers of Accounting**

<b>DOD: 5-22-12</b>		<p><b>JIM D. REIS</b>, Administrator With Full IAEA without bond, is Petitioner.</p> <p>Accounting is waived</p> <p>I&amp;A: \$332,372.12          POH: \$199,461.75 cash plus a one-fifth interest in certain real property parcels, plus the remaining die-cast car and coin collections.</p> <p>Administrator (Statutory): \$10,345.44</p> <p>Administrator (Extraordinary): \$2,335.00 (for 233.50 hours of Petitioner's own time @ \$10/hour, pursuant to attached log)</p> <p>Administrator (Lost wages): \$769.20 (for 40 hours of personal unpaid time taken off from his place of employment at his usual wage rate of \$19.23/hr, pursuant to attached log).</p> <p>Administrator (Reimbursement for mileage): \$2,924.35 (for over 5,317 miles traveled for estate matters @ \$.55/mile pursuant to attached mileage log)</p> <p>Attorney (Statutory): \$10,345.44</p> <p>Attorney (Extraordinary): \$1,000.00 (for five hours @ \$200/hour for meetings and email correspondence in reference to the contents of decedent's home and proper disposition of multiple collections, and preparation of notices of proposed actions, contacted listing realtor, reviewed real estate offers and escrow documents for sale of property.</p> <p>Closing: \$5,000.00 (For preparation and filing of final fiduciary income tax returns and schedule K-1, plus any deficiencies.</p> <p><b>Distribution pursuant to intestate succession is to:</b></p> <ul style="list-style-type: none"> <li>• Jim D. Reis: \$41,685.58 cash plus a one quarter interest in the real and personal property</li> <li>• Ronald Reis: \$41,685.58 cash plus a one quarter interest in the real and personal property</li> <li>• Joanne Sutphin: \$41,685.58 cash plus a one quarter interest in the real and personal property</li> <li>• Marilyn Goddard: \$41,685.58 cash plus a one quarter interest in the real and personal property</li> </ul>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>	
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
✓	<b>Inventory</b>			
✓	<b>PTC</b>			
✓	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>			W
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
✓	<b>Letters</b>			8-15-12
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
✓	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
✓	<b>FTB Notice</b>			

**Reviewed by:** skc

**Reviewed on:** 1-13-15

**Updates:**

**Recommendation:**

**File 5 - Reis**

Atty Boyajian, Thomas M., sole practitioner (for Conservator Irene V. Santos)

(1) First Account Current and Report of Conservator and Petition for its Settlement,  
 (2) for Approval of Sale of Depreciating Property, (3) for Approval of Donation,  
 and (4) for Allowance of Conservator's and Attorney's Compensation

<b>Age: 89 years</b>		<b>IRENE V. SANTOS</b> , daughter and Conservator of the Person and Estate appointed on <b>11/8/2012</b> with bond set at <b>\$123,895.00</b> , is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b> <b>Continued from 10/29/2014.</b> Minute Order states the Court needs proof of reduced bond. (Please refer to Amendment to Clarifying and Explanatory Declaration Previously filed on September 6, 2014 filed on 1/14/2015, noted at center.)
<b>Cont. from 090814, 100814, 102914</b>		<b>Account period: 12/1/2012 - 6/30/2014</b>	
	<b>Aff.Sub.Wit.</b>	Accounting - <b>\$223,182.60</b>	
✓	<b>Verified</b>	Beginning POH - <b>\$164,620.32</b>	
✓	<b>Inventory</b>	Ending POH - <b>\$ 47,101.81</b> (\$42,601.81 is cash)	
	<b>Proof of Bond</b>	Conservator - <b>\$13,425.00</b> (per Declaration attached as Exhibit B1; for 447.5 hours @ \$30.00 per hour;)	
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>	Attorney - <b>\$10,300.00</b> (per Declaration attached as Exhibit A1; for 41.20 hours @ \$250.00 per hour, from 9/12/2013 to 7/28/2014;)	
✓	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>	Bond - <b>\$123,895.20</b> (Order After Hearing filed 8/27/2014 finds bond is reduced to <b>\$35,000.00</b> ; bond of \$35,000.00 is sufficient if Court approves requested fees during this account period; Amendment to Clarifying and Explanatory Declaration Previously filed on September 6, 2014 was filed on 1/14/2015, stating the bonding company rebated to the Conservator a check in the amount of <b>\$301.00</b> dated 12/22/2014 (copy attached) to demonstrate that bond has been reduced.)	
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
✓	<b>2620</b>		
	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

**~Please see additional page~**

<b>Reviewed by:</b> LEG
<b>Reviewed on:</b> 1/14/15
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 6 - Murillo</b>

**Petitioner prays for an order:**

1. Approving and settling the First Account;
2. Approving all acts and transactions of the Conservator relating to the conservatorship;
3. Approving and confirming the sale of the Conservatee's recreational vehicle [appraised at **\$12,500.00** and sold for **\$1,000.00**] as a sale of a depreciating asset;
4. Approving and confirming the donation to the local Salvation Army of Conservatee's furniture and furnishings [valued at **\$960.00**] as a donation of depreciating assets;
5. Authorizing and directing Conservator to pay herself **\$13,425.00** as compensation for her services rendered; and
6. Authorizing directing Conservator to pay the Attorney fees of **\$10,300.00** as compensation for services rendered.

**Court Investigator Dina Calvillo's Report was filed 1/6/2014.**

**NEEDS/PROBLEMS/COMMENTS, continued:**

Included below are notes that were originally prepared for the hearing held on 9/8/2014, with the declarations subsequently filed by the Petitioner *noted in gray highlighted italics*, for the Court's reference in considering the accounting as presented and supplemented. Rather than requesting an amended accounting be filed to incorporate the supplemented information, the accounting has been re-reviewed in conjunction with the subsequently filed supplemental declarations, and accordingly the accounting appears to be more complete and satisfactory in its explanations of the schedules submitted for the Court's consideration and approval. Following receipt of the explanations, it is expected that Attorney Boyajian's proposed order should include the repayments to the Conservatorship of **\$195.44** and **\$500.00** (as noted below.)

**Notes Re Reimbursement to the Conservatorship Estate:**

- *Schedule C, Disbursements* shows **\$195.44** was paid to Attorneys Tomassian, Pimentel & Shapazian on 10/16/2013 for legal consultation fees in violation of Probate Code § 2647, which provides no attorney fees may be paid from the estate of the Conservatee without prior Court order. The estate of the Conservatee is not obligated to pay attorney fees established by any engagement agreement or other contract until it has been approved by the Court. *Clarifying and Explanatory Declaration filed on 9/8/2014 states the Conservator had intentions at the time of the payment to search for and obtain a new attorney and was under the impression that her actions were furthering the objectives and goals of the estate and Conservatee; Conservator submits that she will reimburse the estate **\$195.44** for such disbursement.*
- *Schedule C, Disbursements* shows **\$500.00** was paid to Attorney Thomas Boyajian on 10/16/2013, and **\$840.00** was paid to Attorney Thomas Boyajian on 2/6/2014 (totaling **\$1,340.00**) for Conservatorship legal fees in violation of Probate Code § 2647, which provides no attorney fees may be paid from the estate of the Conservatee without prior Court order. *Clarifying and Explanatory Declaration filed on 9/8/2014 states that the **\$500.00** legal fees paid to Attorney Thomas Boyajian were in fact consultation fees for 2 hours of consultation offered to the Conservator prior to his being hired and becoming attorney of record; the Conservator made payments from the conservatorship assets instead of her own personal assets; therefore, the Conservator will reimburse the estate **\$500.00** for such legal consultation fees. The **\$840.00** reimbursement was erroneously phrased as conservatorship legal fees, though the disbursement was related to Court filing fees and publication fees in relation to the sale of Conservatee's home; thus disbursement does not violate Probate Code § 2647 (receipts attached as Attachment B).*

**~Please see additional page~**

**Notes Re Questionable Expenditures:** Schedule C, Disbursements shows **\$163,620.79** was spent during the one and one-half year account period (12/1/2012 to 6/30/2014) and contains the following expenditures noted for the last hearing as being questionable, such that the Conservator Court may require explanation and/or reimbursement to the Conservatorship estate:

- 4/23/2013 payment for "What is this (Conservatorship Payment)" [quote from original] in the amount of **\$833.00**. Clarifying and Explanatory Declaration filed on 9/8/2014 states this disbursement was made to pay the premium on a surety bond to suffice the requirement of bond for this conservatorship (copy of cashier's check at Attachment C.)
- 5/10/2013 payment to Golden Living for "Something" [quote from original] in the amount of **\$7,910.00**; payment on 8/14/2013 to Golden Living for "Something" [quote from original] in the amount of **\$15,820.00**. Clarifying and Explanatory Declaration filed on 9/8/2014 states the original phrased payments for "something" were intended by the drafter to go back and make the proper entry but failed prior to the filing to make the entry; both disbursements were in fact to pay the Conservatee's skilling nursing home living.
- 6/14/2013 payment of **\$21.96** and 12/23/2013 payment of **\$589.29** (totaling **\$611.25**) to Data Central Collection Bureau. Clarifying and Explanatory Declaration filed on 9/8/2014 states these payments to a collection agency for Conservatee's outstanding bills to American Ambulance and Community Medical Imaging (billing invoices and payment receipts attached as Attachment D).
- 3/24/2014 payment to Golden Living for "Conservatee's Residence Fee" in the amount of **\$44,130.00**. Clarifying and Explanatory Declaration filed on 9/8/2014 states the Conservatee was behind on her payments due to the pending sale of her home and the ability to pay the outstanding balance did not become viable until the home was sold.

**Notes Re Exhibit A1-A6, Declaration of Thomas M. Boyajian, Request for Attorney Fees**, which contains itemizations that include:

- Charge of **\$500.00** total solely for work on the publication in Business Journal for publishing the notice of sale of the Conservatee's real property. Clarifying and Explanatory Declaration filed on 9/8/2014 states the sale of Conservatee's home required Attorney Boyajian to spend many hours over a seven day span preparing the template going back and forth with the Business Journal trying to fix and correct errors made to the proposed template; instead of billing the estate the full amount of time spent, he only billed a nominal fee.
- Total hours of **41.20** at **\$250.00** per hour stated as the hours representing the charge of **\$10,300.00** for Attorney fees appears to be incorrect, as the calculation of hours itemized actually totals **37.55** hours representing a charge of **\$9,387.50**, resulting in an **overcharge** of **\$912.50** to the Conservatorship estate for the requested attorney fees. Clarifying and Explanatory Declaration filed on 9/8/2014 states this was a technical error and the correct hours of **37.55** are the correct total hours, and compensation is requested for a total of **\$9,387.50**. Attorney Boyajian filed on 9/30/2014 an Amendment to Clarifying and Explanatory Declaration Previously filed on 9/6/2014, which states upon review of his total hours, he would like to explain to the Court the likely cause of the technical error; initially when he drafted his attorney hours declaration his hours spent on this case exceeded 41.20 total hours; after some thought and considering the overall circumstances of the estate, he decided to take a "pay cut" and reduce the hours so it could be "fair" to the estate and better fit the circumstances of the estate; he would like to assure the Court that he has already brought down the total hours spent on this case and discounted his hours a total of 12.1 hours not billed for [itemized]; thus the original **\$10,300.00** request was fair and equitable and he requests that amount.

~Please see additional page~



**Notes Re Depletion of Conservatorship Estate Assets:**

- Paragraph 10 of the *Petition* states that "estate assets are being depleted rather rapidly due to the 24-hour, 7 day-a-week specialized skilled nursing attention the Conservatee requires to prosper. As such, the initial bond amount required by the Court was set on the rather high value of the estate at that time. Currently, the estate value is worth much less." Noted for or the Court's reference is *Schedule C, Disbursements* showing itemizations for skilled nursing home payments of **~\$87,697.31** during this account period of the **\$163,620.79** total expenditures. **Clarifying and Explanatory Declaration filed on 9/8/2014** states that as presented in *Schedule C, Disbursements*, the total amount of expenditures spent on the needed specialized nursing facilities to house the Conservatee and provide needed attention equates to a whopping \$129,177.83 for this accounting period; herein lies where the majority of estate funds are being spent; there is no alternative to the extinguishment of estate assets because the Conservatee will continue to require such specialized nursing housing for which the price is extremely high; Conservator has attempted and applied on different occasions for government entitlements to step in and pick up the tab, but Conservatee's assets cause her not to qualify for such entitlements; as the Conservatorship estate assets are lessened, the Conservatee will in turn start to qualify for government entitlements which will then pick up the tab.
- More specifically informing the Court regarding depletion of assets is the ***Petition to Reduce Amount of Bond* filed 6/9/2014**, stating that "the bond in the amount of **\$123,895.20** based on the value of the estate as of 6/1/2014 is excessive; the estate has been reduced significantly because: (1) The Conservatee has needed homecare at the cost of **\$2,000.00** per month for a year; (2) For the past year and a half the Conservatee has lived in an assisted living facility center with the average monthly cost of **\$7,500.00**; (3) There have been expenses of **\$10,000.00** to pay off the encumbrance on the 1993 Fleetwood RV, and various other estate related expenses." The following observations are provided to assist the Court in determining the reasonableness of having paid off the 1993 RV, which Paragraph 7 of the *Petition* and the *Schedule D, Losses on Sales/Donations* state was sold for **\$1,000.00**, resulting in a loss on sale of **\$11,500.00**, and for which the Conservator requests confirmation and approval of the sale as depreciating property:
  - It is unclear the basis upon which the Conservator chose to use **\$10,000.00** of Conservatee's assets to pay off the encumbrance on the **1993 RV** which Conservatee could not use and which was valued on the *Inventory and Appraisal* at **\$12,500.00** as of **11/8/2012**. The instant *Petition* states the 1993 RV was sold for **\$1,000.00**; it appears that this expenditure was not a frugal use of Conservatee's limited estate funds. Based upon the large disbursements and amounts requested for Conservator's and Attorney fees, it appears that the Conservator and/or her Attorney are spending down the Conservatee's assets, but provide no reasonable explanation to justify the significant expenditures from the Conservatorship estate.

**Clarifying and Explanatory Declaration filed on 9/8/2014** states the 1993 Fleetwood RV was reappraised at the request of the Conservator because the prior appraisal filed with the Court on 3/7/2013 grossly overstated the value of the 1993 Fleetwood RV at **\$12,500.00** and failed to account for all of the non-usable aspects and damage to the RV; [Reappraisal for Sale was filed on 9/8/2014] and was completed on 1/29/2014 by Probate Referee Rick P. Smith, with the new appraised value of the 1993 Fleetwood RV being **\$1,000.00**; the loss on sale mentioned in the accounting is superficial because the accounting used the original appraised value of the RV at **\$12,500.00**, when in fact the RV was not worth [that amount] and reappraised at **\$1,000.00**; the Conservator's rationale for selling the RV was because (1) The cost of repair to the RV was extremely high and not efficient for the estate; (2) The Conservatee is physically not able to use the RV anymore; and (3) The Conservator was starting to foresee storage fees being accrued against the estate for something not worth paying due to the reappraised value of the RV, thus the Conservator's acts were in line with promoting and preserving the estate; she was prudent and frugal in this aspect.

~Please see additional page~

**Attorney Boyajian filed on 9/30/2014 an Amendment to Clarifying and Explanatory Declaration Previously filed on 9/6/2014, which states** that upon review of the issue regarding the unverified encumbrance relating to the Conservatee's RV, it was brought to his attention by the Conservator that the encumbrance was for an outstanding loan balance to Bank of America and said encumbrance was completely paid off by the Conservatee long before the inception of the Conservatorship; this the encumbrance did exist but it is moot in regards to the Conservatorship accounting; for purposes of the Conservatorship accounting and the new appraised value of the recreational vehicle set at \$1,000.00, the \$10,000.00 encumbrance should have absolutely no bearing on the accounting or on the question of whether the Conservator made the right decision in selling the RV.

**Note Re Conservator's Commissions: Exhibit B1 entitled Declaration of Irene V. Santos, Request for Compensation** contains the following itemizations set forth here as examples for the Court's consideration of the charges totaling **\$13,425.00** requested by the Conservator be paid from the estate for services including the sale of Conservatee's real property, visits to the care facility where her mother lives, marshalling assets, paying all bills promptly, managing the estate frugally, and "to compensate her for the time she missed work to attend court hearings amongst other things:"

- **12/1/2011 through 12/17/2012**, charge of **96** hours @ **\$30.00** per hour totaling **\$2,880.00**, for paying bills, driving to locations to pay bills, phone calls for medical appointments, shopping for Conservatee;
- **12/1/2011 through 6/15/2012** [dates **overlap** the dates noted above], charge of **120** hours @ **\$30.00** per hour totaling **\$3,600.00**, for hiring caregiver to assist Conservatee, checking in on Conservatee weekly to make sure groceries were bought and home was cleaned and to pay the caregiver;
- **1/1/2012 through 8/1/2012**, charge of **81** hours @ **\$30.00** per hour totaling **\$2,430.00**, for taking Conservatee to **18** doctor appointments both picking up and returning her home;
- **2/1/2013 through 6/1/2013**, charge of **9** hours @ **\$30.00** per hour totaling **\$270.00**, for meeting with Conservatee's health care facilities case workers, nurses and C&A regarding her medications, physical needs and any issues she had with the facility and her care.

**Local Rule 7.16(A) provides** that attorney fees and conservator commissions in conservatorship matters are awarded based upon what is just and reasonable. The Court's determination must be based upon *the justness and reasonableness of the amount of the request in relation to the total value of the conservatorship estate*. Here, the ending property on hand is stated on Schedule E, Assets on Hand as of June 30, 2014 as **\$47,101.81**, of which **\$42,601.81** is cash. Deduction of requested Conservator's commissions and Attorney fees would leave a balance remaining of **~\$18,876.81**, which will be inevitably less as of the current date.

**Attorney Boyajian filed on 9/30/2014 an Amendment to Clarifying and Explanatory Declaration Previously filed on 9/6/2014, which states** Petitioner is submitting a mileage log that Conservator kept track of between 1/3/2012 through 5/30/2014 showing in detail the Conservator's activities in relation to the Conservatorship; please refer to Attachment A showing Conservator expended 1,064 miles through this period, and highlights the many occasions Conservator was not at her normal job due to carrying out her responsibilities as Conservator.

## Amended Petition for Final Distribution and for Allowance of Compensation for Ordinary Services on Waiver of Accounting

<b>DOD: 10/1/10</b>		<b>RONALD T. OYE</b> , Administrator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting is waived.	<p>1. <b>Need second amended petition.</b> Petition requests the ½ share of the decedent's estate that would go to his post deceased spouse, Katharine Kawano, instead pass to the Jim I. Kawano Trust pursuant to Katharine's Will. Katharine's Will is not before the court therefore the court cannot pass her portion of this estate pursuant to her will. Katharine's share of the estate can <b>only</b> pass to her estate. Once Katharine's share passes to her estate it can be passed to her Trust pursuant to the Petition to Determine Succession for the Estate of Katharine Kawano on file in case no. 14CEPR00873 and on calendar on 2/17/15.</p> <p>2. Need Order</p>
<b>Cont. from</b>		I & A - <b>\$166,315.00</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	POH - <b>\$166,315.00</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Administrator - <b>waives</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Attorney - <b>\$5,989.45</b> (statutory)	
<input checked="" type="checkbox"/>	<b>PTC</b>	<b>Petitioner requests distribution as follows:</b>	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Ron Oye, as Trustee of the Jim I. Kawano Trust - 50% interest in the real property	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Ron Oye and Michiko Oye as guardians of the estate of Jim Kawano – 50% interest in the real property.	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>	2/20/13	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	X	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		

<b>Reviewed by:</b> KT
<b>Reviewed on:</b> 1/14/15
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 5 – Kawano</b>

## Amended Petition for Termination of Guardianship

		<b>LAKEYSHA (SINGLETON) DAWSON</b> , Mother, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>KIMBERLY ANN BUSH</b> , Maternal Grandmother, was appointed Guardian on 10-7-13. - Mailed service 9-5-14, personally served 10-1-14	
Cont. from 101414, 120214		Father: <b>DETRICK SINGLETON</b> - Mailed service 9-5-14	<b>Note:</b> On 6-4-14, the Court reappointed Attorney Jennifer Walters as counsel for Devin Singleton.
Aff.Sub.Wit.		Maternal Grandfather: Eugene Dawson - Declaration of Due Diligence filed 9-30-14, notice dispensed 12-2-14	
✓ Verified		Paternal Grandfather: Johnny Brown - Declaration of Due Diligence filed 9-30-14 - Served by mail 12-4-14	<b>Note:</b> Probate Mediation Agreement dated 7-23-14 was filed on 7-23-14 by the mother addresses a visitation schedule for the mother with Devon.
Inventory		Paternal Grandmother: Patricia Brown - Declaration of Due Diligence filed 9-30-14 - Served by mail 12-4-14	
PTC		<b>Petitioner states</b> the open investigation of abuse in Honolulu was closed and dismissed due to lack of foundation or evidence. Petitioner has now received a divorce from Detrick Singleton and he remains in Hawaii. Petitioner now has a 2-bedroom apartment in Las Vegas, NV. There were never any allegations against the mother and Devin had always been with Lakeysha until he visited his maternal grandmother and she refused to return him to his parents. The father gave up his right to visit with Devin and legal custody was awarded to Lakeysha. See attached Decree of Divorce. Lakeysha is the primary custodian of Devin. Lakeysha has no intention to ever return to the marriage. Lakeysha has been the main parent in Devin's life, and in fact, Detrick and Lakeysha have been separated since 2005, when Devin was two. They remained separated until 2013, when they decided to try to reconcile, but the marriage finally ended on 7-21-14. Devin voiced concern that his mother might return to Hawaii, but that is no longer feasible.	<b>Note:</b> Probate Mediation Agreement dated 12-2-14 was adopted as the order of the Court pursuant to Minute Order 12-2-14.
Not.Cred.		As was found in the Guardianship of M.S.W. (1982) 136 Cal.App.3d 708, where the grandparents made it very, very difficult for the parents to visit and communicate with the child, the Court found that the parents' circumstances had changed and they could now properly care for the child, Lakeysha's circumstances have changed and she can now care for Devin. She has a good paying job and a 2-bedroom apartment around the corner from Swainston Middle School. She has been in this apartment for 7 months and is well settled. See attached rental agreement and pay stubs. She can provide for her and Devin. Petitioner believes termination of the guardianship is in the best interests of Devin.	
✓ Notice of Hrg			
✓ Aff.Mail	W		
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.	W		
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

SEE PAGE 2

**Court Investigator Jennifer Daniel filed a report on 7-30-14 in connection with Ms. Dawson's original petition for termination of guardianship. Please see the report filed 7-30-14 for details.**

**Attorney Jennifer Walters filed a declaration on 11-6-14**

**Court Investigator Jennifer Daniel filed a Supplemental Report on 11-21-14.**

Order to Show Cause for Failure to Appear and Failure to File the First Account or  
Petition for Final Distribution

<b>DOD: 7-13-13</b>	<b>PAMELA J. STRONG</b> , Spouse, was appointed Executor with Limited IAEA without bond on 9-16-13 and Letters issued 9-17-13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont from 120214</b>	At the hearing on 9-16-13, the Court set status hearing for the filing of the first account or petition for final distribution for 11-14-14.	<b><u>OFF CALENDAR</u></b>
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>	At the hearing on 11-14-14, there were no appearances. The Court set this Order to Show Cause for failure to appear and failure to file the first account or petition for final distribution, and ordered both the Executor and the attorney to appear.	<b>First and Final Report filed 1-15-15 is set for hearing on 2-24-15.</b>
<b>Inventory</b>		
<b>PTC</b>		<b><u>Minute Order 12-2-14:</u> Ms. Erlach needs additional time to obtain a waiver of accounting from the Catholic church. Ms. Strong is ordered to be personally present on 1-20-15 unless the petition is on file by 1-15-15.</b>
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: skc</b>
		<b>Reviewed on: 1-13-15</b>
		<b>Updates: 1-15-15</b>
		<b>Recommendation:</b>
		<b>File 9 – Strong</b>

<b>DOD: 1-17-10</b>		<b>GEORGE C. HAMPARSON II</b> , Executor with Full IAEA without bond, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting is waived	<b>1. The Court may require clarification regarding the \$5.00 check charge for advancing fee. If this is a runner service charge, it may be disallowed pursuant to Local Rule 7.17 as a cost of doing business.</b>
		I&A: \$290,230.93 POH: \$290,230.93 (cash)	<b>2. The decedent's will devises her estate to the George C. and Anita M. Hamparson Family Trust established 5-31-91. Petitioner states he is the trustee and sole beneficiary of the Anita M. Hamparson Survivor's trust, and as such assigns its interest to himself personally. The Court may require authority for such distribution, as neither the Family Trust nor the Survivor's Trust are before the Court at this time.</b>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Executor (Statutory): waived	<b>If distribution is required to the George C. and Anita M. Hamparson Family Trust established 5-31-91 pursuant to the decedent's will, need declaration pursuant to Local Rule. 7.12.5.</b>
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>	Attorney (Statutory): \$8,804.62 (Per agreement, the petitioner should be authorized to pay the attorney at hourly rates, not to exceed \$8,804.62)	<b>Note: A declaration in support of the request was filed on 1-15-15 by Attorney Jaech. Attached are copies of the relevant trust documents.</b>
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		<b>Reviewed by: skc</b>
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>	Costs: \$950.50 (filing fees, certified letters, \$5.00 check charge for advancing fee)	<b>Reviewed on: 1-13-15</b>
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>	Petitioner states that he is the trustee of the Anita M. Hamparson Survivor's Trust and the sole beneficiary thereof; therefore, he is entitled to immediate distribution from the trust of the entire trust estate. Accordingly, as trustee of the Anita M. Hamparson Survivor's Trust, Petitioner hereby assigns the Anita M. Hamparson Survivor's Trust's entire interest in the estate to Petitioner personally. By terms of this assignment and the decedent's will and codicil, the estate should be distributed as follows:	<b>Updates:</b>
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		<b>Recommendation:</b>
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		<b>File 10 - Hamparson</b>
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>	George C. Hamparson II: \$280,475.81	
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		

## Petition to Termination of Conservatorship

<b>DOD: 03/29/14</b>		<b>JOSEPH PATRICK DE LOS REYES,</b> son/Conservator of the Person and Estate, is Petitioner. Bond of \$30,000.00 was filed 04/07/14.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>CONTINUED FROM 12/02/14</u></b> <b>Minute Order from 12/02/14 states:</b> <b>The Inventory &amp; Appraisal must be filed by 12/31/14 in order for this matter to go forward on 01/20/15.</b>
<b>Cont. from</b>		<b>Petitioner states:</b>	<ol style="list-style-type: none"> <li>1. Petitioner has been acting as Conservator of the Person and Estate since 04/07/14.</li> <li>2. Conservatorship was necessary because the conservatee was unconscious and unable to provide for any of his personal or financial needs as he suffered a stroke on 03/31/13. The conservatee died on 05/29/14.</li> <li>3. Petitioner requests that an accounting be waived pursuant to Probate Code § 2628 because the estate at the beginning and end of the accounting period for which an accounting would be required consisted of property, exclusive of the residence of the conservatee, of a total net value of less than \$15,000.00. The income of the estate for each month of the accounting period, exclusive of public benefits payments, was less than \$2,000.00. All income of the estate during the accounting period, if not retained, was spent for the benefit of the ward or conservatee.</li> <li>4. All children of the conservatee have waived an accounting.</li> </ol>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		<ol style="list-style-type: none"> <li>1. Inventory &amp; Appraisal, partial No. 1 was filed 01/14/15 listing an appraisal amount on the 1<sup>st</sup> page as \$6,500.00, but listing several more assets on the attachments (\$11,176.20 on attachment 1 and \$190,000.00 on attachment 2), therefore need amended and/or Final Inventory &amp; Appraisal.</li> <li>2. The assets of the Conservatorship Estate are unknown without a complete/accurate Inventory &amp; Appraisal and the Petition does not state what the property on hand in the conservatorship estate is but does indicate that the conservator did manage property and/or income of the conservatee. Need Accounting pursuant to Probate Code § 2630 and 2633 and corrected Inventory &amp; Appraisal.</li> <li>3. The Petition does not request nor address distribution or other disposition of the assets of the conservatorship estate.</li> </ol>
<input checked="" type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<b>Petitioner prays for an Order:</b>	
		<ol style="list-style-type: none"> <li>1. Terminating the conservatorship;</li> <li>2. Discharging Petitioner as Conservator of the Person and Estate and exonerating Petitioner's bond; and</li> <li>3. Stating that the Conservator need not file an accounting.</li> </ol>	
		<b>Status Report filed 11/25/14</b> states that the Conservator is in the process of preparing an Inventory & Appraisal.	
		<b>Reviewed by:</b> JF	
		<b>Reviewed on:</b> 01/13/15	
		<b>Updates:</b> 01/15/15	
		<b>Recommendation:</b>	
		<b>File 11 – De Los Reyes</b>	



**(1) Petition for Settlement of First and Final Account; (2) Petition for Final Distribution and (3) for Allowance of Compensation for Ordinary Services**

<b>DOD: 12/24/2013</b>		<b>MARGARET ELAINE BISGAARD</b> , Successor Administrator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>OFF CALENDAR.</u></b> <b><u>1<sup>st</sup> Amended Petition filed 12/31/2014. Hearing set for 02/11/2015.</u></b>  <b>Minute Order of 12/01/2014: Continued for further consideration by the Court.</b>  1. Petitioner and her deceased husband, Melvin Bisgaard are the beneficiaries of this estate. Property on hand consists of real property valued at \$155,000 (with encumbrances of \$125,051.88) and cash in the amount of \$115,815.70. Petitioner proposes to pass \$38,307.18 and the real property with a value of \$29,948.12 (\$155,000 appraised value less encumbrances) to herself and have \$68,355.30 (representing Melvin Bisgaard's share of the estate) pass to her as Trustee of the Bisgaard Living Trust pursuant to Probate Code § 13100. Melvin's estate is the beneficiary of this estate and is entitled to ½ of the real property (encumbrances should not be factored into the proposed distribution) and ½ of the cash on hand. Melvin's estate is not before the court. Therefore, Melvin's share of this estate (½ interest in the real property and ½ of the remaining cash on hand) must first pass to his estate and then from his estate can pass to the trust, if appropriate.
		Account period: 12/24/2013 – 10/08/2014	
<b>Cont. from 120114, 120814</b>		Accounting - <b>\$272,660.70</b>	
		Beginning POH - <b>\$155,000.00</b>	
<b>Aff.Sub.Wit.</b>		Ending POH - <b>\$270,815.70</b>	
✓	<b>Verified</b>	Administrator - <b>Waives</b>	
✓	<b>Inventory</b>	Attorney - <b>\$8,453.21</b>	
	<b>PTC</b>	(Statutory)	
✓	<b>Not.Cred.</b>	Closing - <b>\$800.00</b>	
✓	<b>Notice of Hrg</b>	(taxes)	
✓	<b>Aff.Mail</b>	w/	
	<b>Aff.Pub.</b>	Petitioner requests that Melvin Bisgaard, decedent's father and heir of the estate, who died on 06/13/2014, beneficial interest in the estate should be distributed to Margaret Elaine Bisgaard, as Trustee of The Bisgaard Living Trust dated September 29, 1999, pursuant to the Declaration in Support of Transfer of Personal Property under California Probate Code § 13100.	
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>	<b>Proposed Distribution:</b>	
	<b>Letters</b>	Margaret Elaine Bisgaard – cash in the amount of \$38,307.18 and real property located at 6194 N. Gregory, Fresno, Ca.	
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
✓	<b>9202</b>	Margaret Elaine Bisgaard, as Trustee of the Bisgaard Living Trust dated September 29, 1999, cash in the amount of \$68,255.30.	
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
✓	<b>FTB Notice</b>		
			<b>Reviewed by: LV</b> <b>Reviewed on: 01/14/2015</b> <b>Updates:</b> <b>Recommendation:</b> <b>File 12 - Bisgaard</b>



<b>DOD: 9-11-14</b>		<b>CHARLENE MARIE MOISTNER,</b> Daughter and named Executor without bond, is Petitioner.  Full IAEA – ok  Will dated 7-8-13  Residence: Fresno Publication: Fresno Business Journal  Estimated value of estate: Personal property: \$241,000 Annual income: \$250.00 Total: \$241,250.00  Probate Referee: Steven Diebert	<b>NEEDS/PROBLEMS/COMMENTS:</b>  If granted, status hearings will be set as follows:  - Tuesday May 26, 2015 for the filing of the Inventory and Appraisal  - Tuesday May 24, 2016 for the filing of the first account or petition for final distribution.  If the proper items are on file prior to the status hearing dates pursuant to local rules, then the status hearings may be taken off calendar.	
<b>Cont. from 121614</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			s/p
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			w/o
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input checked="" type="checkbox"/>	<b>Letters</b>			
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
			<b>Reviewed by:</b> skc	
			<b>Reviewed on:</b> 1-13-15	
			<b>Updates:</b>	
			<b>Recommendation:</b> SUBMITTED	
			<b>File 14 - Caudle</b>	

**15 Bernice Kasabian Irrevocable Granddaughter's Trust, Number Two (Trust) Case No. 14CEPR01006**

**Atty Teixeira, J. Stanley (for Jennifer Kapur Kirklin – Petitioner)**

**Petition for Removal of Trust, Account and to Appoint Successor Trustee**

<b>DOD: 01/17/13</b>		<b>JENNIFER KAPUR KIRKLIN</b> , granddaughter and beneficiary is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Petitioner states:</b> 1. Dana Kahler ("Kahler"), is the current acting trustee of the Bernice Kasabian Irrevocable Granddaughter's Trust, Number Two (the "Granddaughter Trust"). The Granddaughter Trust is irrevocable. 2. The Granddaughter Trust was to have been funded with the remainder and residue of the Bernice C. Kasabian Trust, dated 03/24/99 (the "Kasabian Trust"), for which Kahler also served as trustee. 3. While serving as trustee of the Kasabian Trust, Kahler loaned substantial trust funds to his son's winery business without obtaining any security for those loans. 4. In the informal accounting provided for the Kasabian Trust, there were three large cash withdrawals totaling \$21,950.00. Despite requests for explanation and identification of the purposes of these withdrawals, Kahler has avoided providing any response. 5. The informal accounting also revealed that Kahler was drawing \$300.00 per month for services to the John Kasabian Trust, though no such trust exists. There were also trustee fees paid for "extra trust work", though no statements were presented to substantiate these extra charges. 6. Pursuant to the terms of the Granddaughter Trust, the beneficiary should be receiving \$4,000.00 per month. Petitioner has been informed that the administration of the Kasabian Trust has been completed and the Granddaughter Trust has been funded. However, no accounting of the funding of the Granddaughter Trust has been forthcoming and the \$4,000.00 monthly payments to the beneficiary have not been made as required by the terms and provisions of the Granddaughter Trust. Continued on Page 2	<u><b>CONTINUED FROM 12/18/14</b></u>
<b>Cont. from 121814</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/o		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

**Reviewed by:** JF

**Reviewed on:** 01/13/15

**Updates:**

**Recommendation:**

**File 15 - Kasabian**

## 15 Bernice Kasabian Irrevocable Granddaughter's Trust, Number Two (Trust)

Page 2

7. Despite being informed that the administration of the Kasabian Trust has been completed, no accounting was ever provided. Petitioner, who was also a beneficiary of the Kasabian Trust, received an informal accounting because she demanded it, but to her knowledge, no accounting was ever provided to the other beneficiaries of the Kasabian Trust.
8. The trust instrument does not appoint a successor trustee. Petitioner nominates Matt Bickel to serve as successor trustee, and in the event that he is unable to serve for any reason, Bruce Bickel may then serve as the alternate successor trustee. Petitioner requests that bond not be required of either successor trustee. **Consents to Serve by both Matt and Bruce Bickel attached to Petition.**
9. Petitioner requests that the Court order Dana Kahler to file an accounting within 45 days with the Court detailing his acts as trustee.

### **Petitioner prays for an Order:**

1. Removing Dana Kahler as trustee;
2. Appointing Matt Bickel as successor trustee without bond, vesting him with all the powers of trustee under the trust terms;
3. Appointing Bruce Bickel as alternate successor trustee without bond, vesting him with all the powers of trustee under the trust terms, in the event that Matt Bickel is unable to serve as trustee;
4. Requiring Dana Kahler to deliver the trust assets to the successor trustee within 30 days after issuance of the Order;
5. Compelling Dana Kahler to account fully for all trust property; and
6. For costs of suit herein and any other orders the court may deem proper.

Atty Poochigian, Mark S. (Lance Hairabedian – Petitioner)

## Petition to Determine Succession to Real Property (Prob. C. 13151)

<b>DOD: 10/14/14</b>	<b>LANCE HAIRABEDIAN</b> , nephew, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	40 days since DOD.	
<b>Cont. from</b>	No other proceedings.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	I & A - \$32,500.00	
<input checked="" type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>	Will dated 07/14/97 and Codicil dated 05/19/05.	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Petitioner requests Court determination that decedent's 25% interest in real property located at 4460 E. Clinton, Fresno 93703 pass to him pursuant to decedent's Will and Codicil.	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 01/13/15
		<b>Updates:</b>
		<b>Recommendation:</b> SUBMITTED
		<b>File 16 - Kershner</b>

**Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 10/31/14</b>			<b>JOHN NOEL</b> , friend/named alternate executor without bond, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			Full IAEA – OK	<b>Note:</b> If granted, status hearings will be set as follows: <ul style="list-style-type: none"> <li>- <b>Tuesday May 26, 2015</b> at 9:00am in Dept. 303 for the filing of the Inventory and Appraisal</li> <li>- <b>Tuesday May 24, 2016</b> at 9:00am in Dept. 303 for the filing of the first account or petition for final distribution.</li> </ul>
<b>Cont. from</b>			Will dated 05/08/03 and codicil dated 07/13/05	
	<b>Aff.Sub.Wit.</b>	s/p		
✓	<b>Verified</b>		Residence: Squaw Valley Publication: The Business Journal	
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>		<b>Estimated Value of the Estate:</b>	If the proper items are on file prior to the status hearing dates pursuant to local rules, then the status hearings may be taken off calendar.
✓	<b>Aff.Mail</b>	w/o	Personal property - \$ 2,600.00	
✓	<b>Aff.Pub.</b>		Real property - 80,000.00	
	<b>Sp.Ntc.</b>		<b>Total - \$82,600.00</b>	
	<b>Pers.Serv.</b>		Probate Referee: <b>STEVEN DIEBERT</b>	
	<b>Conf. Screen</b>			
✓	<b>Letters</b>			
✓	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			

## Petition to Confirm Transfer of Assets to Revocable Trust

			<p><b>REBEKAH MORIARTY</b> and <b>JEREMY TATHAM</b>, successor Trustees, are petitioners.</p> <p><b>Petitioners allege:</b></p> <p><b>GERALD F. TATHAM</b> and <b>CORA TATHAM</b> established the <b>GERALD F. TATHAM and CORA TATHAM LIVING</b> on 6/17/2008.</p> <p><b>Gerald F. Tatham</b> died on 1/18/2013.</p> <p><b>Cora Tatham</b> died on 9/14/14.</p> <p>On 6/17/08, Gerald and Cora executed the Tatham Trust as part of their estate plan. On that same date, each settlor executed a Quitclaim Deed transferring their interest in the primary residence located in Fresno, to the Tatham Trust.</p> <p>On 2/21/12 Gerald and Cora refinanced the real property. During the refinance process, Gerald and Cora executed a Quitclaim Deed vesting the real property from the Tatham Trust to their individual names, as "Husband and Wife as Joint Tenants."</p> <p>Both Gerald and Cora have Pour- Over Wills naming the Trust as the sole beneficiary upon their deaths.</p> <p>Petitioners request that the Court confirm that all of the interests of Gerald and Cora in the real property to be deemed to be an assets subject to the Tatham Trust, and under control of the Petitioners as Trustees.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.</p>
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			<p><b>Petitioner prays for an Order that:</b></p> <ol style="list-style-type: none"> <li>1. The Tatham Trust is valid;</li> <li>2. Petitioners are confirmed as Trustees of the Tatham Trust;</li> <li>3. All interests of Gerald and Cora in the real property shall be deemed assets of the Tatham Trust.</li> </ol>	<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 1/14/15</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 18 - Tatham</b></p>





## Petition to Determine Succession to Real Property (Prob. C. 13151)

<b>DOD: 8/14/14</b>		<b>JENNIFER MCFARLAND and CLINTON BREWER</b> , children of the decedent, are petitioners.  40 days since DOD.  No other proceedings.  Decedent died intestate.  I & A                      - <b>\$135,000.00</b>  <b>Petitioners request</b> Court determination that Decedent's interest in real property located in Riverdale pass to them pursuant to intestate succession.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. #11 of the petition does not state the decedent's interest in the real property as required.
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
✓	<b>Inventory</b>		
✓	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b> W/		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 1/14/15</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 20 - Brewer</b>

**Probate Status Hearing Re: Failure to File the Inventory and Appraisal and or  
Failure to File a First Account or Petition for Final Distribution**

<b>DOD: 9-15-04</b>	<p><b>ERICA HERNANDEZ</b>, daughter, was appointed as Administrator with Full IAEA without bond and Letters issued on 5-20-05.</p> <p>The original petition alleged personal property valued at \$2,000.00 and real property valued at \$270,000.00, encumbered for \$45,000.00.</p> <p>However, no Inventory and Appraisal was ever filed pursuant to Probate Code §8800.</p> <p>No accounting or petition for final distribution was ever filed pursuant to Probate Code §12200.</p> <p>The Court set this status hearing for failure to file Inventory and Appraisal and failure to file accounting or petition for final distribution. Both attorney and personal representative are ordered to appear.</p> <p>Notice of Status Hearing was mailed to Attorney Bruce A. Neilson and Administrator Erica Hernandez on 11-21-13.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>1. Need Inventory and Appraisal pursuant to Probate Code §8800 and accounting and petition for final distribution pursuant to Probate Code §12200, or verified written status report pursuant to local rules.</b></p> <p><b>Note:</b> The decedent's intestate heirs are his three children: Erica Hernandez, Cristobal Hernandez, and Andrea Hernandez.</p>	
<b>Cont. from 021414, 053014, 072114, 092914, 102014</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 1-13-15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 21 – Hernandez</b></p>
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

**Probate Status Hearing Re: Failure to File an Inventory and Appraisal and for  
Failure to File a First Account or Petition for Final Distribution**

<b>DOD: 5/30/07</b>	<b>LYCESTER WILLS, III and THELMA FRENCH</b> were appointed Co-Administrators with full IAEA authority and without bond on 5/22/2007.  Letters issued 5/22/2007.  I & A was due 9/22/2007.  First account or petition for final distribution was due 5/22/2008.  Notice of Status Hearing was mailed to attorney Bruce A. Neilson on 2/5/2014.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need inventory and appraisal and first account or petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.		
<b>Cont. from 041814, 060614, 072114, 092914, 102014</b>				
<b>Aff.Sub.Wit.</b>				
<b>Verified</b>				
<b>Inventory</b>				
<b>PTC</b>				
<b>Not.Cred.</b>				
<b>Notice of Hrg</b>				
<b>Aff.Mail</b>				
<b>Aff.Pub.</b>				
<b>Sp.Ntc.</b>				
<b>Pers.Serv.</b>				
<b>Conf. Screen</b>				
<b>Letters</b>				
<b>Duties/Supp</b>				
<b>Objections</b>				
<b>Video Receipt</b>				
<b>CI Report</b>				
<b>9202</b>				
<b>Order</b>				
<b>Aff. Posting</b>				
<b>Status Rpt</b>				
<b>UCCJEA</b>				
<b>Citation</b>				
<b>FTB Notice</b>				
		<b>Reviewed by: KT</b>		
		<b>Reviewed on: 1/14/15</b>		
		<b>Updates:</b>		
		<b>Recommendation:</b>		
		<b>File 22 – Wills</b>		

**Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution**

<b>DOD: 11/02/09</b>	<p><b>PAIGE MCKERRAL-BURNETTE</b>, step-granddaughter, was appointed as Administrator with will annexed with limited IAEA and without bond on 08/19/13. Letters of Administration were issued on 08/26/13.</p> <p>Inventory &amp; Appraisal, partial no. 1, filed 01/15/14 - \$208,171.00</p> <p>Inventory &amp; Appraisal, final, filed 03/11/14 - \$44,780.29</p> <p><b>Status Report</b> filed 10/15/14 states: the final Inventory &amp; Appraisal filed 03/11/14 included unclaimed property held by the State of California which consists of cash reported by Bank of America in the amount of \$13,797.56 and cash reported by Security Pacific National Bank in the amount of \$28,200.12, both amounts of which were associated with decedent's predeceased husband, Parker J. Gillespie, Sr. The State of California Controller's Office advised that the accounts were turned over to the State in 1989. Because of the age of these accounts, there is no record of a social security to identify the account holder. Also, apparently there are several individuals in California that have the name Parker Gillespie. Therefore, to process the claims the State requires documentation with the account number and the account holder name and address, or documentation with Parker J. Gillespie, Sr.'s name showing his address in Los Angeles. After diligent efforts, the administrator has been unable to locate either type of documentation to associate Parker J. Gillespie, Sr. with the two bank accounts or the relevant address. Therefore, these cash properties will be removed from the inventory. The State of California is processing the two remaining items of unclaimed property, including stock dividends and proceeds from a life insurance policy and the property will be approved for payment in a few days and then processed for payment, which will take an additional four to six weeks.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u><b>CONTINUED FROM 10/17/14</b></u></p> <p>1. Need Account/Report of Administrator and Petition for Final Distribution and/or current written status report.</p>	
<b>Cont. from</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
			<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 01/13/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 23 - Gillespie</b></p>

**Status Hearing Re: Filing of the First Account and Report of Guardian**

		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p>First Account filed 1-15-15 is set for hearing on 2-18-15.</p>
<b>Cont from 121214</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 1-13-15
		<b>Updates:</b> 1-15-15
		<b>Recommendation:</b>
		<b>File 24 - Dupree</b>

<b>Age: 4</b>	<b>TIFFANY JUSTESEN</b> , mother, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need <i>Notice of Hearing</i> .  2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> <i>Consent &amp; Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: a. Joshua Richardson (father) b. Donald Richardson (paternal grandfather) c. Sherry Richardson (paternal grandmother) d. Patrick Justesen (maternal grandfather) e. Robin Daves (maternal grandmother)
	<b>GREG STEEN</b> and <b>STEPHANIE STEEN</b> , non-relatives, were appointed as Co-Guardians of the Person on 02/06/13 – <i>Consent &amp; Waiver of Notice signed by both guardians on 11/05/14</i>	
<b>Cont. from</b>	Father: <b>JOSHUA RICHARDSON</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Paternal grandfather: DONALD RICHARDSON	
<input checked="" type="checkbox"/> <b>Verified</b>	Paternal grandmother: SHERRY RICHARDSON	
<input type="checkbox"/> <b>Inventory</b>	Maternal grandfather: PATRICK JUSTESEN	
<input type="checkbox"/> <b>PTC</b>	Maternal grandmother: ROBIN DAVES	
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Petitioner states</b> that she is willing and able to raise her daughter. She states that she is clean and sober for over a year, completed parenting classes and has her own home. She also states that she has had a steady job for 9 months and that Jessie is with her 3 days a week already.	
<input type="checkbox"/> <b>Notice of Hrg</b>	<b>Court Investigator filed a report on 01/13/15.</b>	
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 01/14/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 25 - Richardson</b>

Atty Bush, Hilda (proper – paternal aunt/Petitioner)

## Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Trenton, 1		<b><u>TEMPORARY EXPIRES 01/20/15</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  This petition pertains to Trenton & Tamaiya Adams only. Luella Douglas, maternal cousin, was appointed successor guardian of Vashti Winchester on 10/27/14. Clotilde Brown, maternal grandmother, was previously appointed as guardian of both Vashti and Trenton on 09/25/13; however, Ms. Brown passed away on 07/07/14.  1. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Paternal grandparents b. Tamara Adams (sister) c. Tonya Adams (sister) d. Travis Adams (brother) e. Quentessah Equarte (sister) f. Lashayra Williams (sister) g. Westley Williams (brother) h. Sahuanna Williams (sister)
Tamaiya, 5 mos.		HILDA BUSH, paternal aunt, is Petitioner.	
		Father: <b>JOHN MICHAEL ADAMS</b> – Personally served on 11/13/14	
Cont. from		Mother: <b>NOVELL BROWN</b> – Personally served on 11/25/14	
<input type="checkbox"/>	Aff.Sub.Wit.	Paternal grandparents: UNKNOWN	
✓	Verified	Maternal grandfather: Deceased	
<input type="checkbox"/>	Inventory	Maternal grandmother: CLOTILDE BROWN - Deceased	
<input type="checkbox"/>	PTC	Siblings: TAMARA ADAMS (34), TONYA ADAMS (32), TRAVIS ADAMS (31), QUENTESSAH EQUARTE (20); LASHAYRA WILLIAMS (19), WESTLEY WILLIAMS (17), SAHUANNA WILLIAMS (14)	
<input type="checkbox"/>	Not.Cred.		
✓	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
✓	Pers.Serv.	w/	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
<input type="checkbox"/>	Objections	<b>Petitioner states</b> that CPS has been involved and her brother asked her if she would care for the children. Petitioner states that she does not want the children in the system.	
<input type="checkbox"/>	Video Receipt		
✓	CI Report	<b>Court Investigator filed a report on 01/12/15.</b>	
<input type="checkbox"/>	9202		
✓	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
✓	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: JF			
Reviewed on: 01/14/15			
Updates:			
Recommendation:			
File 26 – Winchester & Adams			



**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

		<b>TEMP DENIED 10-6-14</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>SHERRELLE MOORE</b> , Maternal Aunt, is Petitioner.	
		Father (AujaNeek): <b>ANTHONY RENEE ROBERTS</b>	<b>Note:</b> A competing petition for guardianship of Mary Jane only filed by Maternal Grandmother Debra Johnson. See Page B.
		- Personally served 9-30-14	
<b>Cont from 120214</b>		Father (Mary Jane): <b>RALPH CONTRERAS</b>	<b>Minute Order 12-2-14:</b> Ms. Moore is to serve or obtain consent from Donald Roberts, the paternal Grandfather.
		- Deceased	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		Mother: <b>SHANEEK S. MOORE</b>	<b>1. Petitioner states the paternal grandparents are unknown; however, no declaration of due diligence has been filed. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing or consent and waiver of notice or declarations of due diligence on:</b> - Paternal Grandfather of AujaNeek - Paternal Grandmother of AujaNeek
<input checked="" type="checkbox"/> <b>Verified</b>		- Deceased	
<input type="checkbox"/> <b>Inventory</b>		Paternal Grandparents (both minors): Unknown	<b>Reviewed by:</b> skc
<input type="checkbox"/> <b>PTC</b>		Maternal Grandfather: Samuel Moore	
<input type="checkbox"/> <b>Not.Cred.</b>		- Consents and waives notice	<b>Reviewed on:</b> 1-13-15
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		Maternal Grandmother: Debra Johnson	<b>Updates:</b>
<input type="checkbox"/> <b>Aff.Mail</b> x		- Competing Petitioner,	<b>Recommendation:</b>
<input type="checkbox"/> <b>Aff.Pub.</b>		- Personally served 11-14-14	<b>File 27A – Moore &amp; Roberts</b>
<input type="checkbox"/> <b>Sp.Ntc.</b>		Minor AujaNeek Moore consents and waives notice.	
<input checked="" type="checkbox"/> <b>Pers.Serv.</b> w		<b>Petitioner states</b> the mother passed away 9-6-14 and the father has not been in their lives.	
<input checked="" type="checkbox"/> <b>Conf. Screen</b>		<b>Court Investigator filed a report on 11-17-14.</b>	
<input checked="" type="checkbox"/> <b>Letters</b>			
<input checked="" type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input checked="" type="checkbox"/> <b>CI Report</b>			
<input checked="" type="checkbox"/> <b>Clearances</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input checked="" type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			

**27A**

		<b>NO TEMP REQUESTED</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>DEBRA D. JOHNSON</b> , Maternal Grandmother, is Petitioner.	<b>Note:</b> Petitioner Debra Johnson previously filed a petition for guardianship of both AujaNeek and Mary Jane on 12-3-13; however, the petition was dismissed pursuant to the Court's Minute Order of 2-3-14. This petition filed 9-24-14 is for guardianship of Mary Jane only.
<b>Cont from 120214</b>		Father: <b>RALPH CONTRERAS</b>	<b>Minute Order 12-2-14:</b> Ms. Johnson is to serve or obtain consent from Samuel Moore, the maternal grandfather.
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	- Deceased	
<input checked="" type="checkbox"/>	<b>Verified</b>		<b>1. Maternal Grandfather Samuel Moore</b> consented and waived notice of the competing petition for guardianship of both minors filed by Maternal Aunt Sherrelle Moore. Therefore, it appears notice is required pursuant to Probate Code §1511 regarding this petition by Maternal Grandmother Debra Johnson.
<input type="checkbox"/>	<b>Inventory</b>	Mother: <b>SHANEEK S. MOORE</b>	
<input type="checkbox"/>	<b>PTC</b>	- Deceased	
<input type="checkbox"/>	<b>Not.Cred.</b>	Paternal Grandfather: Otis Jones	
<input type="checkbox"/>	<b>Notice of Hrg</b>	- Deceased	
<input type="checkbox"/>	<b>Aff.Mail</b>	Paternal Grandmother: Nellie Contreras	
<input type="checkbox"/>	<b>Aff.Pub.</b>	- Deceased	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	Maternal Grandfather: Samuel Moore	
<input type="checkbox"/>	<b>Pers.Serv.</b>	- Consented to competing petition	
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>	Sibling AujaNeek Moore was personally served 11-15-14.	
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>	<b>Petitioner states</b> both parents are deceased.	
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>	<b>Court Investigator filed a report on 11-17-14.</b>	
<input checked="" type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>Clearances</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

Reviewed by: skc

Reviewed on: 1-13-15

Updates:

Recommendation:

File 27B – Moore &amp; Roberts

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

<b>Age: 8 years</b>		<p><b>THERE IS NO TEMPORARY.</b>  <b>No temporary was requested.</b></p> <p><b>ZELDA HARVEY</b>, maternal aunt, is petitioner.</p> <p>Father: <b>UNKNOWN</b></p> <p>Mother: <b>JANETTA BENTLEY</b> –  Declaration of Due Diligence filed on 5/29/14.</p> <p>Paternal grandparents: Unknown  Maternal grandfather: Deceased  Maternal grandmother: Zelda Jackson</p> <p>Petitioner states mom is homeless and uses drugs.</p> <p><b>Court Investigator Report filed on 7/21/14.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 10/2/14. Minute order indicates there were no appearances (there were also no appearances at the hearing on 9/16/14). As of 1/20/15 the following issues remain:</b></p> <ol style="list-style-type: none"> <li>1. UCCJEA is incomplete. Need the minor's residence information from July 2009 – September 2013.</li> <li>2. Petition states the name of the father and paternal grandparents are unknown. Need Declaration of Due Diligence.</li> <li>3. Need Notice of Hearing.</li> <li>4. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or consent and waiver of notice on: <ol style="list-style-type: none"> <li>a. Janetta Bentley (mother)</li> <li>b. Unknown father <ul style="list-style-type: none"> <li>- Unless the court dispenses with notice.</li> </ul> </li> </ol> </li> <li>5. Need proof of service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice on: <ol style="list-style-type: none"> <li>a. Zelda Jackson (maternal grandmother)</li> <li>b. Unknown paternal grandparents <ul style="list-style-type: none"> <li>- unless the court dispenses with notice.</li> </ul> </li> </ol> </li> </ol>
<b>Cont. from 072914, 091614, 102814</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b> <input checked="" type="checkbox"/>		
<input type="checkbox"/>	<b>Aff.Mail</b> <input checked="" type="checkbox"/>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b> <input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 1/14/15</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 28 – Bentley</b></p>	

Atty Peebles, Michelle (pro per Petitioner)

Atty Peebles, John W. III (pro per Petitioner)

## Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 1 years		TEMPORARY EXPIRES ON 1/20/15		<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petition indicates that child is an Indian child. Therefore, a <i>Notice of Child Custody Proceeding for Indian Child</i> (Form ICWA-030) is required. Petitioners will need to return the completed copy of the <i>Notice of Child Custody Proceeding for Indian Child</i> to the probate clerk. The probate clerk will then mail the notice to the required agencies. 2. Petition does not include the names and addressed of the paternal grandparents. 3. Need Notice of Hearing. 4. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Sean Gessner (father) b. Britteny Peebles (mother) – unless the court dispenses with notice. 5. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: a. Paternal grandparents.  <b>Please see additional page</b>
		<b>JOHN WESLEY PEEBLES</b> and <b>MICHELLE PEEBLES</b> , maternal grandparents, are petitioners.		
Cont. from		Father: <b>SEAN GESSNER</b>  Mother: <b>BRITTENY PEEBLES</b> – Declaration of Due Diligence filed on 10/8/14.  Paternal grandparents: not listed.		
	Aff.Sub.Wit.		<b>Petitioners state</b> the mother has abandoned the minor with them. Petitioners state they have been providing all care for the minors. Mom had the minor around drug addicts/users, alcohol and violence.  <b>Court Investigator Report filed on 1/12/15.</b>	
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	X		
	Aff.Mail	X		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
	Duties/Supp	X		
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
<b>Reviewed by:</b> KT <b>Reviewed on:</b> 1/14/15 <b>Updates:</b> <b>Recommendation:</b> <b>File 29 – Peebles-Gessner</b>				

**NEEDS/PROBLEMS/COMMENTS (cont.):**

6. Need Duties of Guardian signed by both petitioners.
7. Court Investigator indicated that the petitioners have moved since filing their petition. Petitioners must file a change of address with the court each time they move during the guardianship process and also while the guardianship is in place.
8. Orders and Letters have been provided with the petitioners' previous address need orders and letters with petitioners' current address.

Case No. 14CEPR01034

**Atty      McAnulty, Dale Wayne Sr (pro per Petitioner/paternal grandfather)**

## Petition for Appointment of Guardian of the Person (Prob. C. 1510).

**30A**

**30B**      **Nabella Evangelina Varela (GUARD/P)**  
Atty      McAnulty, Evangelina Louise (pro per paternal grandmother)  
Atty      McAnulty, Dale Wayne Sr (pro per paternal grandfather)  
Atty      Vargas, Patricia (pro per Petitioner/maternal grandmother)

Case No. 14CEPR01034

Petition for Visitation

<b>Age: 5 months</b>	<b>PATRICIA ANN VARGAS</b> , maternal grandmother, is petitioner.  <b>Petitioner states</b> she feels she should be granted visitation with the minor. She feels it is important for the minor to bond with her maternal side of the family. Petitioner states she currently has the minor's two brothers residing with her and they want to get to know their only sister.  Petitioner states she is requesting the court grant her 2 visits per month.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
<b>Cont. from</b>			
<b>Aff.Sub.Wit.</b>			
✓ <b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
✓ <b>Notice of Hrg</b>			
✓ <b>Aff.Mail</b>			W/O
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>	X		
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

<b>Reviewed by: KT</b>
<b>Reviewed on: 1/15/15</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 30B - Varela</b>

30B

# 31 Antoine Hemingway, Trinity Hemingway & Confidence Kelly (GUARD/P)

Case No. 14CEPR01035

Atty Bryant Cain, Rebecca Ann (pro per – maternal grandmother/Petitioner)

Atty Hemingway, Monay (pro per – mother/objector)

## Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Antoine, 6		<p align="center"><b><u>TEMPORARY EXPIRES 01/20/15</u></b></p> <p><b>REBECCA ANN BRYAN CAIN</b>, maternal grandmother, is Petitioner.</p> <p>Father (Antoine &amp; Trinity): <b>ANTOINE HEMINGWAY</b></p> <p>Father (Confidence): <b>MAURICE KELLY</b> – personally served on 12/22/14</p> <p>Mother: <b>MONAY HEMINGWAY</b> - Declaration of Due Diligence filed 11/17/14</p> <p>Paternal grandparents: UNKNOWN</p> <p>Maternal grandfather: UNKNOWN</p> <p><b>Petitioner states</b> that she has had the children in her care since 06/28/14. When they came into her care they were hungry, dirty, tired and bruised up. Their PG&amp;E had been off for some time without her knowing it. They did not have decent shoes and Confidence didn't have any shoes at all. Petitioner states that this is not the first time she has had to step in and help the children and each time the mother gets angry.</p> <p><b>Objection to Guardianship</b> filed 12/10/15 by Monay Hemingway (mother) states that the allegations against her are false and that CPS was misinformed. She believes that her children should be back in her care.</p> <p><b>Declaration of Petitioner Rebecca Bryan Cain</b> filed 12/18/15 attaches letters from the children's school that state that the children have severe behavioral problems and that petitioner is working with the school to help the children and that their school attendance has been excellent since in Petitioner's care.</p> <p><b>Court Investigator filed a report on 01/06/15.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of service of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent &amp; Waiver of Notice <u>or</u> Declaration of Due Diligence for:               <ol style="list-style-type: none"> <li>a. Antoine Hemingway – personal service needed</li> <li>b. Monay Hemingway – personal service needed</li> <li>c. Paternal grandparents – service by mail sufficient</li> <li>d. Maternal grandfather – service by mail sufficient</li> </ol> </li> </ol>	
Trinity, 5				
Confidence, 2				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			x
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			x
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

<b>Reviewed by:</b> JF
<b>Reviewed on:</b> 01/14/15
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 31 - Hemingway</b>

31



**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

<b>Age: 11</b>		<b><u>TEMPORARY EXPIRES 01/20/15</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>ANITA MACIAS</b> , maternal grandmother, is Petitioner.		3. Need Notice of Hearing.	
		Father: <b>HENRY VALENZUELA</b> – Declaration of Due Diligence filed 11/13/14		4. Need proof of service of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:	
<b>Cont. from</b>		Mother: <b>PATRICIA VALENZUELA</b> – deceased		a. Henry Valenzuela (father) – personal service required.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<input type="checkbox"/>		<b>Note:</b> Declaration of Due Diligence filed 11/13/14 states that the father was deported to Mexico in 2004 and his current whereabouts are unknown	
<input type="checkbox"/>	<b>Verified</b>	<input type="checkbox"/>		b. Paternal grandparents – service by mail sufficient	
<input checked="" type="checkbox"/>	<b>Inventory</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>PTC</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>Not.Cred.</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>Notice of Hrg</b>	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	<b>Aff.Mail</b>	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	<b>Aff.Pub.</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>Pers.Serv.</b>	<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	<b>Letters</b>	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>Objections</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>Video Receipt</b>	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	<b>CI Report</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>9202</b>	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	<b>Order</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>Aff. Posting</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>Status Rpt</b>	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	<b>UCCJEA</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>Citation</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>FTB Notice</b>	<input type="checkbox"/>			
				<b>Reviewed by:</b> JF	
				<b>Reviewed on:</b> 01/14/15	
				<b>Updates:</b>	
				<b>Recommendation:</b>	
				<b>File 32 - Valenzuela</b>	

**33**      **Nevaeh Maria Quiroz (GUARD/P)**  
**Atty**      **Lopez, Felita C. (Pro Per – Petitioner – Maternal Great Aunt)**  
**Atty**      **Lopez, Mario Jr. (Pro Per – Petitioner – Maternal Great Uncle)**

**Case No. 14CEPR01084**

**Petition for Appointment of Temporary guardianship of the Person**

<b>Age: 7 months</b>		<b><u>GENERAL HEARING 02/02/2015</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>FELITA C. LOPEZ</b> and <b>MARIO LOPEZ, JR.</b> , maternal Great Aunt and Uncle, are petitioners.		1. Need Notice of Hearing.  2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> <li>Frankie Quiroz (Father)</li> </ul>	
<b>Cont. from</b>		Father: <b>FRANKIE QUIROZ</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>				
✓	<b>Verified</b>	Mother: <b>TIFFANY MICHELLE WARD</b> , Consents and Waives Notice			
<input type="checkbox"/>	<b>Inventory</b>				
<input type="checkbox"/>	<b>PTC</b>	Paternal Grandparents: Not Listed			
<input type="checkbox"/>	<b>Not.Cred.</b>				
<input type="checkbox"/>	<b>Notice of Hrg</b>	x	Maternal Grandfather: Kevin D. Ward Maternal Grandmother: Deceased		
<input type="checkbox"/>	<b>Aff.Mail</b>				
<input type="checkbox"/>	<b>Aff.Pub.</b>				
<input type="checkbox"/>	<b>Sp.Ntc.</b>				
<input type="checkbox"/>	<b>Pers.Serv.</b>	x			
✓	<b>Conf. Screen</b>				
✓	<b>Letters</b>				
✓	<b>Duties/Supp</b>				
<b>Objections</b>		<b>Petitioners state:</b> the child has been in their care since 08/15/2014. Petitioners are concerned about the mother's living conditions and care for the child. They state that the mother's boyfriend does not want the child around and wants nothing to do with her. He has hit the mother and has yelled at the baby and has let her cry for long periods of time. Mother has not been consistent with visits. Petitioners allege that the parents grow, sell and smoke pot, their home does not have sufficient heating and the residents in the area are on parole thus they believe the child is not safe in their care. Petitioners have been the sole provider for the child, they believe it is in the child's best interest that she remain in their care.			
<b>Video Receipt</b>					
✓	<b>CI Report</b>				
<b>9202</b>					
✓	<b>Order</b>				
<b>Aff. Posting</b>				<b>Reviewed by:</b> LV	
<b>Status Rpt</b>				<b>Reviewed on:</b> 01/15/2015	
✓	<b>UCCJEA</b>			<b>Updates:</b>	
<b>Citation</b>				<b>Recommendation:</b>	
<b>FTB Notice</b>				<b>File 33 - Quiroz</b>	

		<b>GENERAL HEARING 3-2-15</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>JONATHAN THOMAS BACHANT</b> , Brother, is Petitioner.	
		Father: <b>UNKNOWN</b>	
		Mother: <b>JOLEAN GRIMALDO</b>	
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>	Paternal Grandfather: Not listed Paternal Grandmother: Not listed	
	<b>PTC</b>		
	<b>Not.Cred.</b>	Maternal Grandfather: Joe Aragon Maternal Grandmother: Cindy Aragon	
	<b>Notice of Hrg</b>	x	
	<b>Aff.Mail</b>	Additional Siblings: Jaylynn Martinez, Jordan Bachant	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>	x	
✓	<b>Conf. Screen</b>		
✓	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
✓	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			1. Petitioner's Request to Waive Court Fees was denied on 1-5-15. Therefore, need filing fees of \$285.00 for the temporary and general guardianship petitions.
			2. The Court may require clarification regarding the answers to certain questions on Petitioner's Confidential Guardian Screening Form.
			3. Need Notice of Hearing.
			4. Need proof of personal service of Notice of Hearing with a copy of the temporary petition at least five court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Jolean Grimaldo (Mother) - Father of minor
			Reviewed by: skc
			Reviewed on: 1-14-15
			Updates:
			Recommendation:
			File 34 - Bachant

Atty Amador, Catherine A. (for Petitioner Sylvia JP Gonzalez)

## (1) Thirteenth Account and Report of Successor Co-Conservator and (2) Petition for Allowance of Fees to Conservator

<b>Age: 59 years</b>		<b>SYLVIA J.P. GONZALES</b> , sister and Conservator of the Person and Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			1. Order Appointing Probate Conservator filed 11/13/2014 appoints Petitioner <b>SYLVIA J.P. GONZALES</b> (sister) and <b>RACHEL REUTHER</b> (Conservatee's daughter with whom she lives in Redding), as Successor Co-Conservators of the Person and Estate, with bond of <b>\$42,000.00</b> and deposits of <b>\$35,327.48</b> in a blocked account. Letters of Co-Conservatorship have not yet issued pending the filing of the bond. Paragraph 6 of the instant petition states the required bond is <b>\$50,164.74</b> , which is <b>\$8,164.74</b> less than the current bond, but that Petitioner proposes to leave the current bond amount in place and adjust the amount of cash assets held in the blocked account, estimated at <b>\$9,000.00</b> to be transferred from the unblocked account to the blocked savings account. Based upon the Petitioner's plan, need the following:
<b>Cont. from 010615</b>		<b>Account period: 5/1/2012 - 6/30/2014</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Accounting - <b>\$264,547.76</b>	<ul style="list-style-type: none"> <li>• Proof of bond of <b>\$42,000.00</b> issued to both Co-Conservators, <b>SYLVIA J.P. GONZALES</b> and <b>RACHEL REUTHER</b>;</li> <li>• Order to Deposit Money into Blocked Account to be submitted for the Court's signature for the <b>\$9,000.00</b> cash to be transferred; and</li> <li>• Receipt and Acknowledgement of Order for the Deposit of Money Deposited into Blocked Account to be filed with the Court following deposit of the <b>\$9,000.00</b>. ~Please see additional page~</li> </ul>
<input checked="" type="checkbox"/>	<b>Verified</b>	Beginning POH - <b>[\$203,553.85]?</b>	
<input type="checkbox"/>	<b>Inventory</b>	Ending POH - <b>\$206,350.33</b> (\$53,439.01 is cash)	
<input type="checkbox"/>	<b>PTC</b>	Conservator - <b>\$1,921.00</b> (130 hours @ \$15/hour totaling \$1,950.00, reduced by \$29.00 to reimburse for check written in error for Conservator's expenses; exceeds Local Rule 7.16(B)(4); <u>not itemized per Local Rule 7.16(D) and (A);</u> )	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	Attorney - <b>\$4,500.00</b> (per Declaration of Catherine A. Amador in Support of Petition by Conservator for Allowance of Attorney Fees; for 16.3 hours @ \$275.00/hr )	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>	Attorney Costs - <b>[\$896.00]?</b> (filing fees, runner fees; NOTE: only \$472.15 is itemized and that sum includes non-reimbursable runner fees;)	<div>Reviewed by: LEG</div> <div>Reviewed on: 1/20/15</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 35 - Larssen</div>
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>	Bond - <b>\$42,000.00</b> (proof of bond to Successor Co-Conservators is not yet posted; cash transfer required from unblocked to blocked account;)	
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>2620</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

**NEEDS/PROBLEMS/COMMENTS, continued:**

**Pursuant to Probate Code § 2620(d), the instant Thirteen Account has been only partially reviewed for the 1/20/2015 hearing based upon the following issues:**

2. Need proof of service by mail of the *Notice of Hearing* at least 15 days prior to the hearing pursuant to §§ 2621 and 1460 for Rosa Linda Larssen, Conservatee.
3. *Summary of Account* shows the beginning property on hand as **\$203,553.85**, which differs from the ending property on hand from the Twelfth Account listed as **\$202,555.53**. Footnote 1 on Page 2 of the instant petition states there existed an error in computation of cash assets on hand at the end of the Twelfth Account period of **\$998.00**; however, this footnote does not explain the discrepancy in the non-cash assets at the beginning of the Thirteenth Account listed as **\$149,911.32**, which should actually be listed as **\$149,561.32** based upon the ending non-cash assets from the Twelfth Account. Further, the Charges are listed as **\$264,547.76** while the Credits are listed as **\$264,547.72**, which appears to be an insignificant difference except for the fact that it does not appear to stem from a typographical error, but rather from the difference in the property on hand carried forward from the Twelfth Account.
4. Need itemization of Conservator's requested commissions pursuant to Local Rule 7.16(D) and (A).

<b>DOD: 11-25-04</b>	<p><b>PRESTON VAN CAMP</b>, Grandson, in pro per, was appointed as Administrator with Full IAEA without bond on 4-12-05 and Letters issued 4-14-05. Pursuant to various Assignments of Interest, the Administrator was also to be the sole beneficiary.</p> <p>I&amp;A filed 8-11-05 indicated a total estate value of \$175,249.00 consisting of real and personal property.</p> <p>A status report filed 4-17-09 indicated that the decedent apparently owed taxes since 1997; therefore, the Administrator needed a 6-month continuance to sell assets, pay creditors, and file the petition for final distribution. The Administrator did not appear at the continued hearing date; however, and an OSC was issued.</p> <p><b>On 11-28-06, Preston Van Camp was removed as Administrator and the FRESNO COUNTY PUBLIC ADMINISTRATOR was appointed as Successor Administrator.</b> The former Administrator was ordered to file his final account and distribute to the Public Administrator. The former Administrator's account and later his amended account detailed various transactions, including granting an option to purchase the real property. The Public Administrator filed objections, and both the original account and the amended account were ultimately denied. According to the amended petition, all assets inventoried (real and personal property) remained on hand.</p> <p>On 11-5-07, the Court ordered the assets turned over to the Public Administrator and reserved the right to surcharge.</p> <p>There was no further activity in this case until 2-14-14 when the Court set this status hearing for failure to file a petition for final distribution.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<p><b>Minute Order 11-17-14:</b> The Public Administrator intends to move forward with an unlawful detainer. The Court orders the Public Administrator to review the interior of the home and to take photos. The Court further orders that the property is to be sold. Ms. Van Camp is to contact the Public Administrator forthwith. A written status report is to be filed by 01/05/15. Cont. to 011215.</p> <p><b>Status Report filed 1-9-15 states:</b> Ms. Van Camp agreed that the PA could inspect the property before the holidays, but later said the date would not work. The scheduled inspection date was Thurs 1-8-15. However, that date was cancelled.</p> <p><b>Minute Order 1-12-15:</b> The Court orders that the Public Administrator has an appointment to inspect the home on 1/13/15 at 3pm. Ms. Van Camp is not allowed to cancel the appointment unless she is hospitalized. Continued to 1-20-15.</p>
<b>Cont from 041814, 052314, 111714, 011215</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 1-13-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 36 – Van Camp</b></p>